

## THE CITY OF CLAYTON

Board of Aldermen  
City Hall – 10 N. Bemiston Avenue  
January 13, 2015  
7:00 p.m.

### Minutes

Mayor Pro Tempore Michelle Harris called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen:, Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III and Rich Lintz.

Mayor Pro Tempore Michelle Harris  
City Manager Owens  
City Attorney O'Keefe

Absent: Mayor Sanger

**Alderman Boulton moved to approve the December 23, 2014 minutes. Alderman Winings seconded.**

**The motion to approve the minutes passed unanimously on a voice vote.**

### PUBLIC REQUESTS AND PETITIONS

None

### A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR CENTRAL BANK OF ST. LOUIS 7707 FORSYTH BOULEVARD

**Mayor Pro Tempore Harris opened the Public Hearing.**

City Manager Owens reported that this is a public hearing and subsequent resolution for a conditional use permit for a modification to the existing drive-through facility and the installation of a temporary drive-through facility on the top level of the Pierre Laclede Center's parking garage.

The drive-through has been in operation since 1968. The existing drive-through facility accommodates nine lanes (including one ATM lane). The drive-through hours are 8:30 AM to 6 PM Monday through Friday and 9 AM to 12 PM on Saturday; the ATM operates 24 hours/day. The applicant proposes to remove four of the drive-through lanes and to shorten the canopy by 48 feet. The additional space created will be used for 10 new parking spaces.

The applicant proposes to utilize a temporary trailer on the northeast corner of the site to be used as a temporary drive-through facility during the approximate 6-week construction process.

Drive-through facilities for financial institutions require a Conditional Use Permit (CUP). Neither the City nor the applicant has record of an approved CUP for the existing drive-through. Because this is an alteration of an existing drive-through facility, a new CUP is required. The City's drive-through guidelines are not applicable because it is a modification of an existing use.

The City's Off Street Parking and Loading Regulations require establishments with more than one drive-through lane to provide a minimum of 5 stacked parking spaces. More than 5 stacked spaces will be provided.

The Plan Commission considered this request at their January 5, 2015 meeting and voted to recommend approval of the Conditional Use Permit to the Board of Aldermen. Recommendation is to conduct a public hearing and approve the resolution.

In response to Alderman Boulton's question, Ms. Tracy Thomas, representative for Central Bank explained that the construction trailer is only temporary during construction. She explained that due to the convenience of online/electronic services more customers are utilizing that form of banking making their current nine-lane drive through underutilized and therefore they will be constructing a much smaller drive through in order to free-up customer parking to the building.

**Mayor Pro Tempore closed the Public Hearing.**

**Alderman Garnholz moved to approve Resolution No. 15-01, to approve a conditional use permit for Central Bank of St. Louis. Alderman Winings seconded.**

**The motion passed unanimously on a voice vote.**

**A PUBLIC HEARING AND AN ORDINANCE TO CONSIDER APPROVING A REVISION TO CHAPTER 405 (ZONING REGULATIONS), TO ADOPT A NEW ARTICLE REGULATING OUTDOOR DINING**

**Mayor Pro Tempore opened the Public Hearing.**

City Manager Owens reported that the purpose of the proposed regulations is to permit outdoor dining on public and private property that is compatible with other uses of the sidewalk. The regulations simplify and consolidate the current requirements, allow more administrative flexibility, and protect and maintain accessible sidewalks. The proposed regulations closely mirror the existing Outdoor Dining Standards with some variations. Staff is of the opinion that the proposed regulations are in the best interests of the citizenry as a whole and represent a fair balance between the encouragement of outdoor dining and the impact to the community.

Recommendation is to conduct a public hearing and approve an Ordinance revising Chapter 405 (Zoning Regulations), by the addition of a new Article XXIX entitled "Outdoor Dining".

In response to Alderman Lintz' question, City Manager Owens explained that the restaurants are using the spaces along the curb/sidewalk productively and it seems to have worked well in maintaining the three foot pathway for pedestrians. He stressed that staff will consistently enforce those requirements for the safety of the pedestrians.

Alderman Berger expressed his concerns regarding the past approval of signage, particularly "sandwich boards" and it feels to him in some instances it causes an "obstacle course". He stressed that he is a proponent of outdoor dining, but raises caution about accessibility. He is confident that staff will do a good job in enforcing the requirements.

Alderman Berger asked for clarification if the curb area and the three-foot pathway is inclusive of the streetscape.

City Manager Owens referred to the ordinance, Section 405.3980: Location, which stipulates the requirements.

Alderman Berger commented that he has had a conversation with three restaurant owners and they are very much encouraged by the City's decision.

Alderman Garnholz inquired that the fencing that some restaurants currently have seems to make the outdoor dining areas more uniformed and have a more appealing look. She commented that it is important to maintain an open space for pedestrian access with or without fencing.

Alderman Boulton commented that Central Avenue does not have a large streetscape area such as other areas in Clayton and always seems to feel like a “tighter fit”.

In response to Mayor Pro Tempore Harris’ question regarding changes in annual permit fees, City Manager Owens stated that there will be no changes at this time.

**Mayor Pro Tempore Harris closed the Public Hearing.**

**Alderman Garnholz introduced Bill No. 6478, an ordinance to consider adopting a new article to the City’s Land Use Code (Title IV) to establish regulations governing outdoor dining to be read for the first time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6478, an Ordinance Creating a New Article XXIX of the Zoning Regulations titled Outdoor Dining, and Repealing and Replacing All Existing Resolutions, Moratoriums, and Regulations Related to Outdoor Dining, and Other Actions Related Thereto, for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Mayor Pro Tempore moved that the Board give unanimous consent to consideration for adoption of Bill No. 6478 on the day of its introduction. Alderman Garnholz seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Garnholz introduced Bill No. 6478, an ordinance to consider adopting a new article to the City’s Land Use Code (Title IV) to establish regulations governing outdoor dining to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6478, an Ordinance Creating a New Article XXIX of the Zoning Regulations titled Outdoor Dining, and Repealing and Replacing All Existing Resolutions, Moratoriums, and Regulations Related to Outdoor Dining, and Other Actions Related Thereto, for the second time by title only.**

**Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; and Mayor Pro Tempore Harris – Aye. The bill was adopted and became Ordinance No. 6352 of the City of Clayton.**

#### **FY2014 FINANCIAL REPORT**

Janet Watson gave a brief summary of the FY2014 Financial Report that was provided to the Board prior to tonight’s meeting.

#### **AN ORDINANCE TO CONSIDER APPROVING A FINAL AMENDMENT TO THE FISCAL YEAR 2014 BUDGET**

Janet Watson reported that after the last meeting on December 23, 2014 when the Board of Aldermen passed a budget amendment for the 4<sup>th</sup> quarter of the FY 2014 fiscal year staff realized that they had mistakenly left out an additional amendment as summarized:

### **Debt Service Funds – Increase in Transfer-Out of \$985,000**

- This amendment provides for the ability to transfer bond funds to the CIP fund for construction. Bond funds are received in a separate fund and only transferred into the construction fund when the construction projects actually occur. In FY14, approximately \$985,000 of bond-funded construction actually occurred.

The ordinance incorporates the amendment to the FY14 budget. Recommendation is to approve the ordinance adopting an amendment to the FY14 budget with a net effect on the City's fund balances of a decrease of \$985,000.

**Alderman Garnholz introduced Bill No. 6479, an ordinance to consider approving a 4<sup>th</sup> Quarter Budget Amendment to be read for the first time by title only. Alderman Winings seconded.**

**Mayor Pro Tempore Harris moved that the Board give unanimous consent to consideration for adoption of Bill No. 6480 on the day of its introduction. Alderman Garnholz seconded.**

**City Attorney O'Keefe reads Bill No. 6479, an Ordinance to consider amending the Fiscal Year 2014 Budget and Appropriating Funds Pursuant Thereto for the first time by title only.**

**The motion passed unanimously by a voice vote.**

**Alderman Garnholz introduced Bill No. 6479, an ordinance to consider approving a 4<sup>th</sup> Quarter Budget Amendment to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O'Keefe reads Bill No. 6479, an Ordinance to consider amending the Fiscal Year 2014 Budget and Appropriating Funds Pursuant Thereto for the second time by title only.**

**Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; And Mayor Pro Tempore Harris – Aye. The bill was adopted and became Ordinance No. 6353 of the City of Clayton.**

### **AN ORDINANCE TO CONSIDER APPROVING A MODIFICATION TO THE MUNICIPAL TRAFFIC CODE RELATED TO ON-STREET PARKING IN DAVIS PLACE SUBDIVISION**

City Manager Owens reported that last year, Public Works received two requests to address existing on-street parking issues in the southern part of Davis Place subdivision on Central Avenue and on North Biltmore Drive. These issues impacted the ability for workers and patrons to park adjacent to two businesses just north of Clayton Road. Presently, the Municipal Code provides for Two-Hour Parking Zones between 8:00 A.M. and 5:00 P.M. at these locations.

The requests received by Public Works were to remove these restrictions adjacent to the businesses allowing unrestricted parking for a short distance on each street as shown on Exhibit A.

In June 2014 the Two-Hour Parking Zones adjacent to the two businesses were removed and notification was sent to each area indicating the restrictions were being removed for a test period. No concerns have been received regarding either location since they were modified. Given no problems have been experienced with the changes, we believe making these changes permanent is warranted.

Passage of this ordinance is necessary to codify the existing on-street parking restrictions posted in the southern part of Davis Place subdivision on Central Avenue and North Biltmore.

Recommendation is to approve the ordinance codifying the existing on-street parking restrictions posted in Davis Place subdivision on Central Avenue and North Biltmore.

**Alderman Garnholz introduced Bill No. 6480, an ordinance to consider approving a modification to the Municipal Traffic Code related to On-Street Parking in the Davis Place Subdivision, to be read for the first time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6480, an Ordinance Approving Changes to the Traffic Code to Codify Existing On-Street Parking Restrictions at Two Locations in Davis Place Subdivision for the first time by title only.**

**The motion passed unanimously by a voice vote.**

**Mayor Pro Temp Harris moved that the Board give unanimous consent to consideration for adoption of Bill No. 6480 on the day of its introduction. Alderman Garnholz seconded.**

**The motion passed unanimously by a voice vote.**

**Alderman Garnholz introduced Bill No. 6480, an ordinance to consider approving a modification to the Municipal Traffic Code related to On-Street Parking in the Davis Place Subdivision, to be read for the second time by title only. Alderman Winings seconded.**

**City Attorney O’Keefe reads Bill No. 6480, an Ordinance Approving Changes to the Traffic Code to Codify Existing On-Street Parking Restrictions at Two Locations in Davis Place Subdivision for the second time by title only.**

**Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; And Mayor Pro Tempore Harris – Aye. The bill was adopted and became Ordinance No. 6354 of the City of Clayton.**

#### Other

Alderman Garnholz reported that the Parks and Recreation Commission met recently and they had an extensive and very well done report by Patty DeForrest and her team. The overall revenue for the aquatics center was down slightly about three percent from 2013 due to the mild summer; and the *Riverfront Times* voted the Shaw Park Aquatics Center as the 2014 Best Public Pool in St. Louis; the Tennis Center had an overall increase in the net revenue approximately three percent. They have a new head tennis pro, Carolyn Kramer and the contract with the Frontenac Racquetclub has expired and has been placed out to bid.

Alderman Berger wanted to honor and pay tribute to Hugh Scott, Jr. who passed away last week. Mr. Scott was a Clayton business man, a civic leader, and a member of the City Charter Commission and the St. Louis County Council.

Alderman Berger reported that Patty DeForrest and her staff presented good information at the CRSWC Financial Committee meeting. The challenge going forward for The Center of Clayton will be a capital needs plan and the Committee is looking forward to making this a priority.

Mayor Pro Tempore Harris mentioned that Peter Krane, City’s Municipal Judge has accepted an appointment with St. Louis County and the City has started the RFQ process to replace him.

Mayor Pro Tempore Harris expressed get well wishes for a speedy recovery to Mayor Sanger and Bill Eastman.

There being no further business the meeting was adjourned at 7:40 p.m.

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Mayor

ATTEST:

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City Clerk